

ommending amendments, and minority report adverse to the passage of the bill, was taken up and read second time.

Senator Brady moved that the minority report be adopted.

Senator Piner moved that the whole matter be indefinitely postponed.

Senator Brady withdrew his motion.

On motion of Senator Storey, the bill, with pending amendments, was re-committed to Committee on Agricultural Affairs.

Senator McLeary, by leave, introduced a substitute for Senate Bill No. 99: "An Act to amend 'An Act to adopt and establish a penal code for the State of Texas,'" approved 28th of August, 1856.

Read first time and referred to Committee on Agricultural Affairs.

Senate Bill No. 104, "An Act entitled an act to regulate fees in examining courts," together with an adverse report from committee, was taken up and read, and, on motion of Senator Stephens, was re-committed to Committee on Finance.

On motion of Senator Ledbetter, the Senate adjourned until to-morrow morning at 10 o'clock.

## TWENTY-FIRST DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, May 12, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain.

Journal of Saturday read and adopted.

On motion of Senator Grace, Senator Crain was excused on account of sickness.

Senator Ball, Chairman of Committee on General Land Office, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on General Land Office, to whom was referred Senate Bill No. 113, entitled, "An Act to authorize the Commissioner of the General Land Office to have the general index in said office transcribed," have had the same under consideration, and they have, after a careful examination of the bill, instructed me to report the same back with amendments, and recommend its passage as amended:

Amend Section 2 as follows: Strike out all after the word, "employ," in the fourth line, and insert, "sufficient clerical force to transcribe said indexes, and pay for the same at the rate of ten cents per one hundred words."

Amend Section 3 as follows: Strike out the words, "twenty-five" in the first line, and insert the word, "twelve" in lieu thereof.

BALL, *Chairman.*

Senator Hobby, Chairman of Committee on Judiciary No. 1, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate:*

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 122, entitled, "An Act to fix the salaries of special judges, and to prescribe rules for paying the same," have had the same under consideration, and have instructed me to report the bill back to the Senate, and recommend its passage.

HOBBY, *Chairman.*

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Judiciary No. 1, to whom was referred House Bill No. 26, entitled, "An Act to amend Article 3450 of the civil code, being Section 2 of an act concerning divorce and alimony (Paschal's Digest), passed January 6, 1841, have instructed me to report the bill back, with the following amendments:

In Section 1, after the word, "convicted," insert the words, "after marriage." Add this proviso: *provided*, that no suit for divorce shall be sustained because of a conviction of either party for felony, until twelve months after final judgment of conviction; nor then, if the Governor shall have pardoned the convict."

Strike out, in the caption, the words, "Article 3450 of the civil code being," and the words, "Paschal's Digest," and recommend that the bill, as thus amended, do pass.

HOBBY, *Chairman.*

*Hon. R. B. Hubbard, President of the Senate :*

Your Committee on Judiciary No. 1, to whom was referred the memorial of the citizens of Titus county in relation to the amendment of the jury law, have had the same under consideration, and instruct me to report it back to the Senate and state that the request of the memorialists is believed to be sufficiently embraced in the jury law now pending in this body.

HOBBY, *Chairman.*

Senator Stephens, Chairman of Committee on Engrossed Bills, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate :*

Your committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate Bill No. 43, entitled, "An Act to regulate the license and practice of attorneys and counselors-at-law," and Senate bill No. 1, entitled, "An Act to suspend the collection of the road tax of 1876," and find them correctly engrossed.

STEPHENS, *Chairman.*

Senator Guy introduced a bill entitled: "An Act to amend the second section of an act entitled: 'An Act supplementary to an act, supplementary and amendatory of an act to regulate railroad companies,'" approved December 19, 1857; approved February 8, 1860.

Read and referred to the Committee on Internal Improvements.

Senator Douglass introduced a bill entitled: "An Act to regulate railroad companies."

Read and referred to Committee on Internal Improvements.

Senator Douglass introduced a bill to be entitled: "An Act to amend 'An Act to amend an act prescribing the mode of proceedings in District Courts in matters of probate,'" approved August 15, 1870.

Read and referred to Judiciary Committee No. 2.

Senator Storey introduced a bill to be entitled: "An Act to destroy certain State bonds amounting in the aggregate to \$402,535.95, and to drop the same from the list of indebtedness against the State."

Read and referred to Committee on Finance.

Senator Thompson introduced a joint resolution to amend the Constitution, Article V, which was read and referred to the Committee on Constitutional Amendments.

Senator McCulloch introduced a bill entitled: "An Act to amend

Section 454 of the code of criminal procedure," (Paschal's Digest' Article 2927).

Read and referred to Judiciary Committee No. 1.

Senator Stephens introduced a bill entitled: "An Act to provide for the location and surveying of one million acres of the public domain of the State of Texas, for the endowment, maintenance and support of the University of Texas."

Read and referred to the Committee on Education.

Senator Thompson introduced a bill entitled: "An Act to repeal an act entitled: 'An Act supplementary to the act of January, 1840, concerning wills, and authorizing persons to dispose of their estates by will, and to restore and revise the 13th and 15th Sections of the act of January 28, 1840, entitled: "An Act concerning wills.'"

Read and referred to Judiciary Committee No. 2.

The President of the Senate announced that the following named Senators were added to the Committee on Constitutional Amendments: Senators Douglass, McCormick, Crain, Ball, Ledbetter, Ford and Brown.

On motion of Senator Ledbetter, Senator Thompson was added to the Committee on Counties and County Boundaries.

The orders of the day were then taken up.

Resolution of Senator Henry of Cass, "asking for the appointment of a committee to ascertain whether the officers and employes of the Senate could be reduced or not," was taken up and lost by the following vote:

YEAS—Senators Blassingame, Francis, Guy, Henry F. M., Martin, Motley, Storey, Thompson—8.

NAYS.—Senators Ball, Brady, Brown, Burton, Carroll, Douglass, Edwards, Ford, Grace, Henry J. R., Hobby, Ledbetter, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Smith, Stephens, Terrell, Wortham—22.

Senate Bill No. 61, "An Act dividing Young and Bexar Territories into counties, and defining the boundaries thereof, and of certain other counties therein named," with report of committee was taken up and read.

Senator Brady moved to strike out the name "Kent," and insert "Dick Dowling."

Senator McLeary moved to amend by striking out the name of "Ochiltree," instead of "Kent."

Accepted.

Senator Brady then withdrew his motion, and moved to insert "Dick Dowling" in lieu of the name "Gaines."

Motion lost.

The bill was then ordered engrossed.

Senate Bill No. 110, "An Act to regulate the compensation of juries in certain cases," was taken up and read, and, on motion of Senator McLeary, laid on the table subject to call.

Senate Bill No. 117, An Act to be entitled, "An Act to amend Article 409, and 411, of the penal code," was taken up, read and ordered to lie on the table, subject to call.

Resolution of Senator Burton, "asking the appointment of a committee to examine the accounts of the Lunatic Asylum and report," together with an adverse report from the Committee on Asylums, was taken up and adopted.



On motion of Senator Edwards, this vote was reconsidered.

Senator Douglass offered the following substitute for Senator Burton's resolution:

*Resolved*, That the Committee on State Asylums be instructed to investigate the books and accounts of the State Lunatic Asylum, and that they be authorized to send for persons and papers.

On motion of Senator Storey, the resolution and substitute were re-committed to the Committee on State Asylums.

The report of the Chairman of Judiciary Committee No. 1, on the memorials of Spencer Ford, Norman G. Kittrell and Ernest Altgett, was taken up and ordered to lie on the table.

Senate Bill No. 111, entitled, "An Act to amend an act entitled, 'An Act to adopt and establish a penal code for the State of Texas,'" approved August 28, 1856, was taken up, read second time and ordered engrossed.

House Bill No. 2, "An Act to create and define the boundaries of the counties of Coke, Darnell, Charlton, Lloyd, Pickett and Hart," was read second time, and on motion of Senator Douglass, laid on the table subject to call.

House Bill No. 36, "An Act authorizing the appointment of Notaries Public," was taken up, read and referred to Judiciary Committee No. 1.

House Bill No. 43, "An Act to permit the transfer of certain suits from one court to another," was taken up, read and referred to Judiciary Committee No. 2.

House Bill No. 53, "An Act to authorize the Commissioner of the General Land Office to appoint one draftsman, two corresponding clerks and special clerks in certain cases," was taken up, read and referred to Committee on the General Land Office.

Senate Bill No. 1, "An act to suspend the collection of the road tax," was taken up and on motion of Senator McLeary, referred to Judiciary Committee No. 1.

Senator Stephens in the Chair.

Senate Bill No. 43, "An Act to regulate the license and practice of attorneys and counselors-at-law," was taken up and read third time.

Senator Martin offered the following amendment:

Amend Section 10 by striking out in line three the word, "refuses," and insert, "fails," and in line four strike out the word, "demanded," and insert, "collected."

Senator McLeary moved a division of the question.

The President took the chair.

Senator Edwards offered the following substitute for Senator Martin's amendment:

After the word, "and," in line three insert the words, "fails to pay over the same as early as practicable after collected," and strike out the words, "refuses to pay over the same when demanded;" which substitute was accepted, and the amendment, as substituted, adopted, and bill passed.

On motion of Senator Moore, the Senate adjourned until 10 o'clock A. M. to-morrow.